

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MONTGOMERY CARL AKERS,

Plaintiff,

vs.

JAMES KESZEI, *et al.*,

Defendants.

Case No. 2:07-cv-00572-JCM-GWF

ORDER

Plaintiff's Third Motion to Compel
Service of Process (#296)


This matter is before the Court on Plaintiff's Third Motion to Compel Service of Process as Ordered by This Court Directing United States Marshal Service to Serve Defendants James Keszei and Nicholas Voulgaris (#296), filed on July 25, 2011. On August 8, 2011, the Court entered a Minute Order (#301) ordering the U.S. Marshal Service to provide a status update as to service of Defendants Keszei and Voulgaris. On August 9, 2011, the U.S. Marshal filed their Status Report (#302), indicating that they never received the completed USM-285 forms from the Plaintiff, and therefore, service has not been attempted or completed. In light of this, the Court will grant Plaintiff's request to compel service on Defendants Keszei and Voulgaris. Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Third Motion to Compel Service of Process as Ordered by This Court Directing United States Marshal Service to Serve Defendants James Keszei and Nicholas Voulgaris (#296) is **granted**. The Clerk of the Court shall send two (2), USM-285 forms to Plaintiff at the current address on file for Plaintiff.

IT IS FURTHER ORDERED that Plaintiff shall have twenty (20) days in which to furnish to the U.S. Marshal the required Forms USM-285. Plaintiff shall file proof of service of the USM-285 forms to the U.S. Marshal with the court. Within twenty (20) days after receiving from the U.S.

1 Marshal a copy of the Form USM-285 showing whether service has been accomplished, Plaintiff must
2 file a notice with the Court identifying which defendants were served and which were not served, if any.
3 If Plaintiff wishes to have service again attempted on an unserved defendant(s), then a motion must be
4 filed with the Court identifying the unserved defendant(s) and specifying a more detailed name and/or
5 address for said defendant(s), or whether some other manner of service should be attempted. Plaintiff
6 shall complete service upon Defendants within sixty (60) days from the date that this Order is entered.

7 DATED this 16th day of August, 2011.

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10 **George Foley, Jr.**
11 **United States Magistrate Judge**
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